

JOSEPH P. RUSSONIELLO (CSBN 44332)
United States Attorney
JOANN SWANSON (CSBN 88143)
Assistant United States Attorney
Chief, Civil Division

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102
Telephone: (415) 436-6855
Facsimile: (415) 436-6927

Attorneys for the Federal Defendant

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL C. DAVIS,

Plaintiff,

v.

BOSS/MASC, COMMISSIONER OF
SOCIAL SECURITY,

Defendants.

Case No. C 07-4524 JL

**(PROPOSED) ORDER GRANTING
FEDERAL DEFENDANT'S MOTION TO
DISMISS**

This matter came before the Court on Wednesday, April 30, 2008 on Defendant Commissioner of Social Security Administration's motion to dismiss for lack of subject matter jurisdiction. The Court, having considered the pleadings and documents on filed and the arguments of the parties, and good cause appearing, finds that it lacks subject matter jurisdiction over plaintiff's complaint. Specifically, there is no initial determination or final agency action that is subject to judicial review under the Social Security Act, 42 U.S.C. §§ 401-03. This action is dismissed with prejudice.

IT IS SO ORDERED.

Dated:

JAMES LARSON
U.S. DISTRICT COURT MAGISTRATE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee of the Office of the United States Attorney for the Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she is causing a copy of the following:

(PROPOSED) ORDER GRANTING FEDERAL DEFENDANT'S MOTION TO DISMISS

to be served this date upon the party in this action by placing a true copy thereof in a sealed envelope, and served as follows:

- ☒ FIRST CLASS MAIL by placing such envelope(s) with postage thereon fully prepaid in the designated area for outgoing U.S. mail in accordance with this office's practice.
- ☐ CERTIFIED MAIL (#) by placing such envelope(s) with postage thereon fully prepaid in the designated area for outgoing U.S. mail in accordance with this office's practice.
- ☐ PERSONAL SERVICE (BY MESSENGER)
- ☐ FEDERAL EXPRESS via Priority Overnight
- ☐ EMAIL
- ☐ FACSIMILE (FAX)

to the party(ies) addressed as follows:

Michael C. Davis, Pro Se 2362 Bancroft Way Berkeley, CA 94704	Robert Barrer, Esq. BOSS/MASC 2065 Kittredge Street, Ste. E Berkeley, Ca 94704 PH: 510.64931930 FX: 510.649.0627
---	--

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this March 17, 2008 at San Francisco, California.

/s/
LILY HO-VUONG
Legal Assistant